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State-by-State Marriage Protection Update

As the Senate prepares to consider a federal constitutional amendment to protect the traditional definition of marriage — one man, one woman — it is important to recognize that political and legal activities continue throughout the United States. Public opinion remains firmly opposed to the redefinition of marriage — 58 to 39 percent in a May 2006 poll by Gallup¹ — but same-sex marriage advocates have continued to ask judges to redefine marriage to include same-sex couples. Even as the people have tried to protect the marriage institution through state laws and constitutional amendments, this campaign in the courts has continued.

This summary document outlines the political and legal activity in the states concerning same-sex marriage. For more information analyzing these efforts, see the Senate Republican Policy Committee's March 30, 2006 release, "Why a Marriage Amendment is Necessary."

State Legislation and Ballot Initiatives

Summary of Current State Law

- 19 states now have constitutional amendments protecting marriage as solely between a man and a woman.
- 26 other states have statutes designed to protect traditional marriage by defining marriage only as the union of a man and a woman.
- Just 5 states have no statutory or constitutional protection for traditional marriage — Massachusetts, New Jersey, New Mexico, New York, and Rhode Island.
- 6 states — California, New Jersey, Connecticut, Hawaii, Maine, and Vermont — have adopted a domestic partnership or civil union law without any mandate from courts (except in Vermont, where the state supreme court intervened to force the creation of same-sex civil unions or marriage).

¹ See Lydia Saad, *Americans Still Oppose Gay Marriage*, Gallup News Service, May 22, 2006, available at <http://poll.gallup.com/content/Default.aspx?ci=22882&VERSION=p>.

Pending Efforts to Strengthen Protection for Traditional Marriage Laws

- Voters in 7 states (Alabama, Idaho, South Carolina, South Dakota, Tennessee, Virginia and Wisconsin) will vote on constitutional amendments in 2006.
- Another 5 state legislatures (Colorado, Indiana, Iowa, Massachusetts, and Pennsylvania) are considering sending constitutional amendments to voters in 2006 or 2008, and ballot initiatives are currently underway in 3 states — Arizona, Florida, and Illinois.

Pending Lawsuits

State cases

- 9 states face lawsuits challenging traditional marriage laws — California, Connecticut, Iowa, Maryland, Nebraska, New Jersey, New York, Oklahoma, and Washington.
- In 4 of those states (California, Maryland, New York, and Washington), trial courts have found a right to same-sex marriage in state constitutional provisions relating to equal protection and due process — in each case relying in part on the Massachusetts decision. State supreme courts will decide appeals of those decisions in 2006 or 2007.

Federal cases

- In Nebraska, a federal district court in 2005 found unconstitutional a state constitutional amendment passed by 70 percent of Nebraska voters. The U.S. Court of Appeals for the 8th Circuit heard oral arguments for the state's appeal in February 2006.
- Federal district court challenges to federal DOMA are pending in Washington and Oklahoma, and were previously filed in Florida and California.

The following chart below examines the above developments on a state-by-state basis.

State-Level Marriage Protection Activity

State	Action in Legislature	Ballot Initiative Activity	Court Cases	In-State Polls
Alabama Statutory DOMA Only Ballot Initiative	<p>1998 — Passed state law defining marriage as man-woman and refusing recognition to inconsistent out-of-state marriages. 1998 Alabama Laws Act 98-500.</p> <p>2004 — Proposal to amend state constitution to protect traditional marriage passed state Senate 24-1 on April 15. It never received a vote in the state House and the legislative session expired.</p> <p>March 2005 — The legislature has sent a constitutional amendment to protect traditional marriage to voters in June 2006.</p> <p>[updated 3/15/05]</p>	<p>Constitutional Amendment on Ballot in June 2006</p> <p>Amendment text: “(a) Marriage is inherently a unique relationship between a man and a woman. As a matter of public policy, this state has a special interest in encouraging, supporting, and protecting this unique relationship in order to promote, among other goals, the stability and welfare of society and its children. A marriage contracted between individuals of the same sex is invalid in this state. (b) Marriage is a sacred covenant, solemnized between a man and a woman, which, when the legal capacity and consent of both parties is present, establishes their relationship as husband and wife, and which is recognized by the state as a civil contract. (c) No marriage license shall be issued in the State of Alabama to parties of the same sex. (d) The State of Alabama shall not recognize as valid any marriage of parties of the same sex that occurred or is alleged to have occurred as a result of the law of any other jurisdiction regardless of whether a marriage license was issued. (e) The State of Alabama shall not recognize as valid any common law marriage of parties of the same sex. (f) A union replicating marriage of or between persons of the same sex in any other jurisdiction shall be considered and treated in all respects as having no legal force or effect in this state and would not be recognized by this state as a marriage.”</p>	<p><i>Case dismissed.</i> Two men in an Alabama state prison sued the state for the right to marry each other, saying they had a federal constitutional right to marry. A state court dismissed the lawsuit in April 2004.</p> <p>[updated 4/22]</p>	<p>March 2004 – Nearly 80% of respondents oppose same-sex marriage (“SSM”); only 50% support civil unions. See AP State and Local Wire, Dateline: Mobile, Alabama, 3/15/2004.</p>

State-Level Marriage Protection Activity

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Alaska Const'l Amendment	<p>1998 — Alaska voters passed a state constitutional amendment defining marriage as man-woman.</p> <p>2006 — Legislators considering new constitutional amendment to overturn Oct. 2005 state supreme court decision on benefits.</p>	<p>Constitutional amendment protecting marriage passed by ballot initiative in 1998 with 68% of the vote.</p>	<p>Oct. 2005 – The Alaska Supreme Court released a long-awaited decision regarding “spousal” benefits to same-sex partners. The court unanimously held that municipal employees with same-sex partners are entitled to marital benefits.</p> <p>1997 – State trial court held traditional marriage law unconstitutional. This was reversed by constitutional amendment.</p>	<p>No apparent polling data.</p>
Arizona Statutory DOMA Only	<p>1996 — Law passed protecting marriage as man-woman.</p> <p>[updated 2/11/05]</p>	<p>May 16, 2005 — Advocates of protecting traditional marriage launched a petition drive to put a state constitutional amendment on the November 2006 ballot. Petitioners must collect 183,000 signatures by July 2006.</p> <p>June 2005 — Gay activists announced their intention to pursue a ballot initiative that will bar same-sex marriage but expressly allow civil unions, with the express goal of diluting support for the other initiative, above.</p> <p>[updated 1/18/06]</p>	<p><i>State court challenge to marriage laws defeated in 2004.</i> Two men were denied a marriage license and sued in state court in 2003. They lost in district court and on their first appeal. (Gay rights groups tried to talk them out of pursuing their case because it interfered with the groups’ national litigation strategy.) On May 25, 2004, the Arizona Supreme Court refused to hear their final appeal, which <i>should</i> bring this particular litigation to an end.</p> <p>[updated 5/26/04]</p>	<p>38% of state’s registered voters would support a constitutional amdt. to “ban gay marriages and to prohibit local governments from recognizing any legal status or allowing benefits for unmarried partners.” <i>Arizona Republic</i> 1/5/2006</p>

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Arkansas Const'l Amendment Statutory DOMA	1998 — Legislature passed state law protecting traditional marriage as man-woman. [updated 5/4]	PASSED NOVEMBER 2004: 75% to 25% Arkansas Marriage Amendment Text “Marriage consists only of the union of one man and one woman. Legal status for unmarried persons which is identical or substantially similar to marital status shall not be valid or recognized in Arkansas, except that the legislature may recognize a common law marriage from another state between a man and a woman. The legislature has the power to determine the capacity of persons to marry, subject to this amendment, and the legal rights, obligations, privileges, and immunities of marriage.” [updated 11/4]		Pre-Election Poll on State Constitutional Amendment: Oct. 10-11, 2004 — 64.8% support and 32.6% are opposed to “a proposed constitutional amendment to define marriage as between one man and one woman and to ban gay marriages and civil unions.” Poll by Zogby/ADG.

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California Statutory DOMA Lawsuits Pending Civil Unions	<p>2000 — Voters passed Prop. 22, a statewide ballot initiative, with 60% of the vote. Prop. 22 defines marriage in California as only man-woman. This has the force of a statute and not a constitutional amendment.</p> <p>2003 — The California legislature passed a law in October 2003 to create same-sex “domestic partnerships” that gave many (but not all) of the rights and benefits of marriage to same-sex couples. Then-Governor Davis signed the law.</p> <p>September 2005 — Governor Schwarzenegger vetoed an effort by the legislature to override Prop. 22 (see above) by statute.</p>	<p>August, 2005 – Two ballot initiatives to protect traditional marriage are being promoted via the signature gathering process.</p> <p>December 2005 – Both ballot initiatives failed to gather enough signatures to place an amendment on the 2006 ballot.</p> <p>[updated 1/18/06]</p>	<p>1. <i>State appeals court considering constitutionality of traditional marriage law.</i> On March 14, 2005, a San Francisco trial judge ruled that Prop. 22 violated the state’s equal protection clause, relying in part on <i>Lawrence v. Texas</i>. The appeal is now pending before the state appeals court in San Francisco. A decision from this intermediate court could be released by the end of 2006. (<i>Woo v. Lockyer</i>)</p> <p>2. <i>Federal court lawsuit dismissed by 9th Circuit for lack of standing in May 2006.</i> A same-sex couple challenged federal DOMA in an Orange County federal court. The case, <i>Smelt v. County of Orange</i>, was dismissed due to lack of standing. The Ninth Circuit affirmed and refused to rule on California’s state marriage laws, holding that the state supreme court must decide those questions, and held that the plaintiffs lacked standing to challenge federal DOMA. See case #05-56040.</p> <p>3. <i>San Francisco Mayor rebuffed by California Supreme Court.</i> In February 2004, San Francisco’s mayor began issuing marriage licenses to same-sex couples, and couples from 46 states received more than 4,000 marriage licenses. In August 2004, the state high court invalidated those licenses.</p> <p>[updated 5/9/06]</p>	<p>June 2004 — 53% oppose SSM; just 41% support a federal constitutional amendment to define marriage as man-woman. See SF Chronicle, 6/4/2004.</p> <p>March 2006 — 51% oppose SSM; 43% support. When phrased differently: 32% support SSM; 32% support civil unions; and 32% favor no legal recognition for same-sex couples. California Field Poll, as reported in <i>Contra Costa Times</i>, 3/22/06.</p>

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Colorado Statutory DOMA	<p>2000 — Legislature enacted state law protecting marriage as between a man and a woman.</p> <p>May 2005 — The Colorado House voted down a bill that would have placed a constitutional amendment protecting traditional marriage on the November 2005 ballot.</p> <p>May 2006 — The state legislature is expected to vote to send a state constitutional amendment protecting traditional marriage to the ballot, along with an amendment to create same-sex civil unions.</p> <p>[updated 5/9/2006]</p>	<p>January 2006 – Advocates of protecting traditional marriage have officially launched a campaign to place an amendment defining marriage as between one man and one woman on the November 2006 ballot.</p>	<p>In 1980, the state’s marriage laws were upheld in federal court.</p>	<p>June 2004 — 50% oppose federal constitutional amendment; 41% favor. See <i>Denver Post</i>, 7/04/04.</p> <p>February 2006 — 55% support a state constitutional amendment; 36% oppose. 50% support domestic partnerships; 41% oppose. Mason Dixon Polling and Research as reported by the Associated Press (Feb 6-8).</p>
Connecticut DOMA Lawsuit pending Civil Unions	<p>State law provides that “the current public policy of the state of Connecticut is now limited to a marriage between a man and a woman.” Conn. Stat., ch. 803, § 45a-727a (sub (4)).</p> <p>April 2005 — Connecticut Governor signs law creating civil unions for same-sex couples, but explicitly defining marriage as between a man and a woman.</p> <p>Sept. 2005 — State Attorney General Richard Blumenthal said that Connecticut will recognize civil unions performed in other states, but not same-sex marriages.</p>	<p>None.</p>	<p><i>Massachusetts-style lawsuit filed.</i></p> <p>In August 2004, the same legal activists who filed the <i>Goodridge</i> lawsuit in Massachusetts, GLAD, filed a lawsuit challenging Connecticut’s traditional marriage law. The case, <i>Kerrigan v. Connecticut Dept. of Health, No. NNH-CV-04-4001813</i>, is pending in state trial court in New Haven. Plaintiffs filed for summary judgment in July 2005 and briefing continues.</p>	<p>April 2004 — 49% support SSM; 46% oppose SSM. 53% said they opposed passing a law to define marriage as being between a man and woman. 53% also said they think SSM should <i>not</i> be viewed the same as marriage between a man and woman. See AP article Storrs, Conn. 4/6/04. Poll by UCONN.</p>

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Delaware Statutory DOMA	1996 — Legislature enacted state law protecting traditional marriage as man-woman. [updated 2/11/05]	None.	None	No apparent polling data.
Florida Statutory DOMA	1997 — Legislature enacted state law protecting marriage as man-woman.	Feb. 2006 — Supporters of a constitutional amendment to protect traditional marriage failed to gather enough signatures to place an amendment on the November 2006 ballot. The group will continue collecting signatures and hopes to place the amendment on the 2008 ballot. March 2006 – The Supreme Court of Florida has cleared amendment language to appear on the 2008 ballot. The initiative must gather 150,000 more signatures for the measure to go to voters. [updated 2/3/06]	<i>DOMA Upheld in Federal Court.</i> The US Dep’t of Justice successfully defended DOMA against federal constitutional challenges filed by a local class action attorney. (<i>Wilson v. Ake</i> , 354 F.Supp.2d 1298 (M.D. Fla. 2005). Another federal case was voluntarily dismissed. In 2004, another 7 cases were filed in state and federal court challenging state and federal DOMAs, but those cases were voluntarily dismissed.	July 31, 2005 — 59% would favor a State Constitutional amendment to prohibit same-sex marriage; 32% oppose. (“Would you favor a state constitutional ban on same-sex marriages,” Strategic Vision poll.)

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Georgia Const'l Amendment Statutory DOMA	1996 — Legislature enacted state law defining marriage as man-woman. [updated 2/11/05]	PASSED NOVEMBER 2004: 76% to 24% — UNDER COURT CHALLENGE Georgia Marriage Amendment Text “(a) This state shall recognize as marriage only the union of man and woman. Marriages between persons of the same sex are prohibited in this state. (b) No union between persons of the same sex shall be recognized by this state as entitled to the benefits of marriage. This state shall not give effect to any public act, record, or judicial proceeding of any other state or jurisdiction respecting a relationship between persons of the same sex that is treated as a marriage under the laws of such other state or jurisdiction. The courts of this state shall have no jurisdiction to grant a divorce or separate maintenance with respect to any such relationship or otherwise to consider or rule on any of the parties’ respective rights arising as a result of or in connection with such relationship.” [updated 11/4]	<i>State court invalidated state constitutional amendment due to “single subject” rules governing ballot initiatives.</i> In May 2006, a Fulton County superior court held that the marriage amendment approved in 2004 (text in box to the left) violated the state constitution’s requirement that an amendment submitted to voters must not contain “more than one subject matter.” The court held that the amendment dealt both with same-sex marriage and civil unions. The Governor has announced his intention to appeal this decision. [updated 5/17/06]	Pre-Election Poll on State Constitutional Amendment: Sept. 25-27, 2004 — 69% support and 23% oppose a state constitutional amendment that would ban same-sex marriages in Georgia. Poll by Strategic Vision.
Hawaii Const'l Amendment Statutory DOMA Civil Unions (limited)	1998 — The legislature subsequently defined marriage as only man-woman. [updated 5/3/04]	Voters (69%) approved a constitutional amendment in 1998 empowering the legislature to define marriage	In 1990, same sex couples sued to overturn the state’s marriage law. When they won, the people reversed the decision by constitutional amendment.	No apparent polling data.

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Idaho Statutory DOMA	<p>1996 — Legislature passed a state law stating that same-sex marriage violated the public policy of Idaho.</p> <p>February 2006 — The legislature has cleared a bill to amend the constitution to define marriage as between one man and one woman. The bill will go before voters in November of 2006.</p> <p>[updated 2/21/06]</p>	<p>CONSTITUTIONAL AMENDMENT ON NOVEMBER 2006 BALLOT</p> <p>Amendment Text: “Marriage between a man and a woman is the only domestic legal union that shall be valid and recognized in this state.”</p>	<p>None.</p>	<p>No apparent polling data.</p>
Illinois Statutory DOMA	<p>1996 — Legislature passed a state law defining marriage as man-woman.</p> <p>2005 — State constitutional amendment to protect marriage introduced in House, HJRCA 1. The bill was not taken up by the Democrat-controlled House during the session.</p> <p>[updated 1/19/2005]</p>	<p>Advocates of protecting traditional marriage have introduced a ballot initiative that would be <u>advisory only</u>, but would call on the state legislature to pass a constitutional amendment protecting marriage as between a man and a woman. In May 2006, backers submitted signatures for review, and are now awaiting approval of the advisory ballot initiative.</p> <p>[5/09/06]</p>	<p>None.</p>	<p>March 2004 — 60% oppose legalizing gay marriage; 27% support it; 53% oppose a U.S. constitutional amendment; 34% support an amendment. See <i>The State Journal-Register</i> (Springfield, IL) 4/15/04.</p>
Indiana Statutory DOMA	<p>1997 — Legislature passed a state law protecting marriage as man-woman.</p> <p>March 2005 – The state legislature has endorsed a state constitutional amendment protecting traditional marriage. If it passes again in 2007, then it could be on the November 2008 ballot.</p> <p>[updated 3/1/05]</p>	<p>[see 2005 item to left]</p>	<p><i>Lawsuit voluntarily dismissed</i></p> <p>In 2003, three same-sex couples sued in state court for the right to marry under the state constitution. The case was dismissed by the trial court and the dismissal was upheld (in January 2005) by the Indiana Court of Appeals. The same-sex couples announced they would <u>not</u> appeal the ruling because they feared setting a precedent injurious to their long term position.</p> <p>[updated 6/15/05]</p>	<p>May 13-19, 2004 — 19% of state’s adults support SSM; 46% oppose all legal recognition (civil unions or SSM). Poll by Indianapolis Star WTHR. See <i>Indianapolis Star</i> article 5/24/2004.</p>

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Iowa Statutory DOMA	<p>1998 — Legislature passed state law protecting marriage as man-woman.</p> <p>2004 — State Senate voted down a state constitutional amendment barring same-sex marriage. Also introduced was a state law that would bar civil unions.</p> <p>Dec. 2005 — State lawmakers pledge to renew efforts to pass a constitutional amendment. This initiative was undertaken, in-part, in response to a lawsuit challenging the validity of the State's traditional marriage laws. (see item to right)</p>	<p>None.</p>	<p>Dec. 2005 — LAMBDA Legal has filed a complaint on behalf of six same-sex couples, claiming that denial of a marriage license violates their constitutional rights.</p> <p><i>Same-Sex Divorce Case Dismissed.</i> Two women entered into a civil union in Vermont and later asked an Iowa trial court to grant them a divorce. In December 2003, the Iowa court initially granted the divorce, but after the action was challenged (because Iowa does not recognize same-sex marriage or Vermont civil unions), the judge reworked the order dividing the couple's property so that the civil union was not recognized.</p>	<p>65% oppose same-sex marriage; 23% favor. Des Moines Register 10/17/03</p>
Kansas Const'l Amendment Statutory DOMA	<p>1996 — Legislature passed state law protecting marriage as man-woman.</p> <p>[updated 3/1/05]</p>	<p>PASSED APRIL 2005 by vote of 79% to 21%.</p> <p>Kansas marriage amendment text: "The marriage contract is to be considered in law as a civil contract. Marriage shall be constituted by one man and one woman only. All other marriages are declared to be contrary to the public policy of this state and are void. No relationship, other than a marriage, shall be recognized by the state as entitling the parties to the rights or incidents of marriage."</p> <p>[updated 4/6/05]</p>		<p>May 2004 — 56% support a state constitutional amendment banning same-sex marriage. See <i>The Wichita Eagle</i> article 5/9/04.</p>

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Kentucky Const'l Amendment Statutory DOMA	<p>1998 — Legislature passed state law protecting marriage as man-woman.</p> <p>2004 — Legislature approved constitutional amendment defining marriage as man-woman and put it on the November ballot. Heavy constituent pressure reversed Democrat lawmakers' initial opposition.</p> <p>[updated 1/15/05]</p>	<p>PASSED NOVEMBER 2004: 75% to 25%</p> <p>Kentucky Marriage Amendment Text: "Only a marriage between one man and one woman shall be valid or recognized as a marriage in Kentucky. A legal status identical or substantially similar to that of marriage for unmarried individuals shall not be valid or recognized."</p> <p>[updated 11/4]</p>	<p>In 1973 a same-sex couple unsuccessfully challenged the state marriage law.</p>	<p>Pre-Election Poll on State Constitutional Amendment:</p> <p>Sept. 10-15, 2004 — When asked if "for or against constitutional amendment on same-sex marriage," 71.6% said yes and 22.4% said no. See <i>Courier-Journal</i> article 9/1/04.</p>
Louisiana Const'l Amendment Statutory DOMA	<p>1999 — Legislature passed state law defining marriage as man-woman.</p>	<p>PASSED SEPTEMBER 2004: 78% to 22%</p> <p>Louisiana Marriage Amendment Text: "Marriage in the state of Louisiana shall consist only of the union of one man and one woman. No official or court of the state of Louisiana shall construe this constitution or any state law to require that marriage or the legal incidents thereof be conferred upon any member of a union other than the union of one man and one woman. A legal status identical or substantially similar to that of marriage for unmarried individuals shall not be valid or recognized. No official or court of the state of Louisiana shall recognize any marriage contracted in any other jurisdiction which is not the union of one man and one woman."</p> <p>[updated 12/28/04]</p>	<p>January 2005 — The state supreme court rejected a "single subject" challenge to the state constitutional amendment ballot initiative.</p> <p>[updated 2/10/05]</p>	

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Maine Statutory DOMA Civil Unions (limited)	<p>1999 — Legislature passed state law protecting marriage as man-woman.</p> <p>2004 — Law enacted refusing recognition to out-of-state same-sex marriages. — Law enacted granting same-sex couples limited benefits (inheritance rights, guardian rights in event of incapacity of partner).</p> <p>June 2005 — The Legislature failed to pass a constitutional amendment (LD1294), which would have defined marriage as only between a man and a woman and repealed Maine's limited civil unions.</p>	None.	None.	<p>March 2004 — 30.3% back full marriage rights; 31.8% oppose any legal recognition of same-sex couples. See <i>Portland Press Herald</i> (Maine) article 3/11/04.</p>
Maryland Statutory DOMA Lawsuit Pending	<p>1984 — Most recent revision to state marriage law states that only marriage between a man and a woman is valid in Maryland.</p> <p>May 2005 — Gov. Ehrlich vetoed legislation that would have created a domestic partner registry in the state.</p> <p>February 2006 — Legislation in the House of Delegates, which would have placed a Constitutional amendment on the 2006 ballot, failed in committee after a “poison pill” amendment, creating civil unions with full marriage rights, was attached to the bill.</p> <p>[updated 2/06]</p>	[see item to left]	<p><i>Trial court has struck down traditional marriage laws.</i></p> <p>In January 2006, a state trial court in Baltimore struck down Maryland's traditional marriage law as unconstitutional. The judge immediately stayed the decision to allow the state time to appeal. (<i>Deane v. Conaway</i>)</p> <p>[updated 1/20/06]</p>	No apparent polling data.

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Massachusetts No DOMA	<p>Sept. 2005 — A proposed constitutional amendment, which would have barred same-sex marriage, but created civil unions, failed (39-157). This was the second vote of two required votes in successive sessions. Last year the measure passed 105-92. Many of those who changed their vote, did so in favor of a measure, which would recognize only unions between one man and one woman, and not civil unions. (see item to right)</p> <p>May 2006 — The state legislature has postponed consideration of proposed constitutional amendment defining marriage as only man-woman until after the state's high court decides whether its own 2003 judicial mandate can be overridden by state constitutional amendment.</p> <p>[updated 5/10/06]</p>	<p>September 2005 — Attorney General Thomas F. Reilly has approved a proposed ballot initiative. The measure must be approved by 50 state legislators in two separate sessions of the legislature before being placed on the 2008 ballot. The measure says: "When recognizing marriages entered into after the adoption of this amendment by the people, the Commonwealth and its political subdivisions shall define marriage only as the union of one man and one woman."</p> <p>[updated 3/23/06]</p>	<p>May 2006 — The Supreme Judicial Court of Massachusetts reserved judgment in a legal challenge to a proposed constitutional amendment to ban same-sex marriage. The case brought by G.L.A.D. challenges whether a ballot initiative may challenge a prior SJC ruling. The State constitution empowers the legislature to challenge SJC rulings. The Court has not provided any indication on when it will issue a rule.</p>	<p>Feb. 2004 — 44% oppose legalization of SSM while 42% favor it. Poll by Suffolk University and WHDH-TV. See Assoc. Press, 2/23/04.</p> <p>March 2006 — 58% support allowing same-sex marriage. Poll by the Center for Public Opinion Research at Merrimack College. See 365gay.com, 3/14/06</p>
Michigan Const'l Amendment Statutory DOMA	<p>1996 — Legislature passed state law defining marriage as man-woman.</p> <p>[updated 5/4]</p>	<p>PASSED NOVEMBER 2004: 59% to 41%</p> <p>Michigan Marriage Amendment Text "To secure and preserve the benefits of marriage for our society and for future generations of children, the union of one man and one woman in marriage shall be the only agreement recognized as a marriage or similar union for any purpose."</p> <p>[updated 11/4]</p>	<p>April 2005 — Lawsuit filed in state court to force University of Michigan to give benefits to same-sex "partners."</p> <p>[updated 4/05]</p>	<p>Pre-Election Poll on State Constitutional Amendment:</p> <p>Sept. 28-30, 2004 — 52% support and 35% oppose that "the union of one man and one woman in marriage shall be the only agreement recognized as a marriage or similar union for any purpose." Poll by Glengariff Group.</p>

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Minnesota Statutory DOMA	<p>1997 — Legislature passed state law protecting marriage as man-woman.</p> <p>2004 — State constitutional amendment banning same-sex marriage was passed by the state House (88-42) but rejected by the state Senate Judiciary committee. Public pressure to send the amendment to the statewide ballot was substantial. (See 5/5/04 WSJ article.)</p> <p>April 6, 2005 — State constitutional amendment banning same-sex marriage is passed by the House (77-56). The Senate refused to act.</p> <p>March 21, 2006 — Political pressure on the legislature to allow a vote on a constitutional amendment is growing, but the state Senate continues to block any consideration of the measure. <i>St. Paul Pioneer Press</i>, 3/21/2006.</p>	<p>None.</p>	<p><i>Case dismissed.</i></p> <p>On Jan. 3, 2005, a federal judge dismissed a lawsuit filed by a gay couple seeking a tax refund because they had once obtained a marriage license in Mankato County and then filed a tax return as “married filing jointly.” This same couple also filed a similar lawsuit in 1970.</p> <p>[updated 1/13/05]</p>	<p>April 2005 — According to an instate poll of 10 Senate districts conducted by Mason Dixon “support for the amendment [banning SSM] ranged from 65 percent of registered voters to 76 percent in the 10 districts, with between 42 percent and 59 percent saying they would be less likely to reelect a senator who opposed it.”</p> <p>A poll commissioned by a gay-rights group (Equality Minnesota) showed only 40% support for a state constitutional amendment, but 75% support for current state law banning same-sex marriage See Duluth News Tribune, 3/26/06.</p>

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Mississippi Const'l Amendment Statutory DOMA	1997 — Legislature passed state law defining marriage as man-woman. [updated 2/11/05]	PASSED NOVEMBER 2004: 86% to 14% Mississippi Marriage Amendment Text “Marriage may take place and may be valid under the laws of this state only between a man and a woman. A marriage in another state or foreign jurisdiction between persons of the same gender, regardless of when the marriage took place, may not be recognized in this state and is void and unenforceable under the laws of this state.” [updated 11/4]	None.	No apparent pre-election polling data on the state amendment.
Missouri Const'l Amendment Statutory DOMA	1996 — Legislature passed state law protecting marriage as man-woman. [updated 2/11/05]	PASSED AUGUST 2004: 71% to 29% Missouri Marriage Amendment Text “Tha to be valid and recognized in this state, a marriage shall exist only between a man and a woman.” [updated 8/4]	None.	February 1, 2004 — 34% favor and 62%, oppose allowing same-sex couples the same legal benefits and protections now extended to married couples in Missouri. <i>St. Louis Post-Dispatch</i>
Montana Const'l Amendment Statutory DOMA	1997 — Legislature passed state law protecting marriage as man-woman.	PASSED NOVEMBER 2004: 67% to 33% Montana Amendment Text “Only a marriage between one man and one woman shall be valid or recognized as a marriage in this state.” [updated 11/4]	<i>Related case decided in state supreme court.</i> In 2004, the state supreme court ruled that Montana’s public universities must give spousal benefits to the partners of homosexual employees. [updated 1/13/05]	Sept. 20-22, 2004 — 61% support and 32% oppose a state constitutional amendment. Poll by Mason-Dixon.

State-Level Marriage Protection Activity

State	Action in Legislature	Ballot Initiative Activity	Court Cases	In-State Polls
Nebraska Const'l Amendment Lawsuit Pending	None, due to existing state constitutional amendment protecting marriage.	Passed November 2000: 70% to 30% Nebraska Amendment Text: “Only marriage between a man and a woman shall be valid or recognized in Nebraska. The uniting of two persons of the same sex in a civil union, domestic partnership, or other similar same-sex relationship shall not be valid or recognized in Nebraska.”	<i>Federal case on appeal to Eighth Circuit Court of Appeals.</i> In May 2005, a federal district court judge agreed with the ACLU that the state constitutional amendment (see item to left) violates the U.S. Supreme Court’s decision in <i>Romer v. Evans</i> (1996). Nebraska has appealed to the U.S. Court of Appeals for the 8 th Circuit. Oral arguments were heard on February 13, 2006. The court gave no indication as to when it would rule. [updated 2/13/06]	No apparent polling data.
Nevada Const'l Amendment	None, due to existing state constitutional amendment protecting marriage.	Passed November 2002: 67% to 33% Nevada Amendment Text: “Only a marriage between a male and female person shall be recognized and given effect in this state.”	None.	March 2004 — 43% would support amendment to the U.S. Constitution to ban gay marriage and 50% would oppose. See AP Las Vegas, NV, article, 3/23/04.
New Hampshire Statutory DOMA	1987 — Latest revision to state marriage law expressly bans same-sex marriage. 2004 — Law enacted to prohibit recognition of out-of-state same-sex marriages. March 2006 — A constitutional amendment to define marriage as man-woman failed in the state house, 207-125.	None.	None.	Feb. 2004 – 55% support gay marriage; 64 % oppose a constitutional amendment. Poll by UNH. See AP Manchester, N.H. article 2/27/04.

State-Level Marriage Protection Activity

State	Action in Legislature	Ballot Initiative Activity	Court Cases	In-State Polls
New Jersey Lawsuit Pending	<p>2003 — In December 2003, the New Jersey legislature passed a law creating “domestic partnerships” for same-sex couples, granting some but not all of the rights and benefits of marriage to same-sex couples.</p> <p>Feb. 2006 — Lawmakers plan to introduce an amendment to the constitution preserving traditional marriage. They hope to “fast-track” the legislation to bring it to voters in November 2006.</p> <p>[2/16/06]</p>	<p>None.</p> <p>[see item to left]</p>	<p><i>Case pending in state court.</i> In 2002, Lambda Legal filed suit in state court on behalf of same-sex couples seeking to marry. (<i>Lewis v. Harris.</i>) The state district court dismissed the case, and the intermediate state appeals court upheld the dismissal in June 2005.</p> <p>Oral arguments were heard in the state supreme court on February 15, 2006.</p> <p>[updated 1/12/06]</p>	<p>According to a Zogby poll commissioned by Garden State Equality, New Jersey residents favor allowing same-sex couples to marry by a 56% to 39 percent margin. Some 61% of those polled said they would oppose a constitutional amendment to prevent same sex “marriage,” while 33% said they would support such an amendment.</p> <p>[updated 2/16/06]</p>
New Mexico No DOMA	<p>No state statute defining marriage, but state <u>common law</u> defines marriage as man-woman.</p> <p>2004 — The State attorney general issued an opinion in February 2004 stating that marriage in New Mexico is limited to a man and a woman.</p> <p>March 2005 — The state Senate has passed a statutory DOMA. A similar bill failed to receive a vote in the House.</p> <p>[updated 4/8/05]</p>	<p>None.</p>	<p><i>Earlier case dismissed in Sandoval County.</i></p> <p>The Sandoval County clerk (Ms. Dunlap) issued marriage licenses to same-sex couples in February 2004. A state trial court issued a preliminary injunction to stop the issuing of these licenses. When Ms. Dunlap resigned as clerk, the underlying injunction was dismissed.</p> <p>[updated 1/13/05]</p>	<p>“62% of the registered voters polled said they would oppose legalizing same-sex marriages, while 28% favored the idea. In contrast, 49% opposed a state law allowing same-sex civil unions; 44% supported the proposal.” <i>Albuquerque Journal</i>, 3/22/04.</p>

State-Level Marriage Protection Activity

State	Action in Legislature	Ballot Initiative Activity	Court Cases	In-State Polls
New York No DOMA Lawsuit Pending	<p>2004 — State attorney general Elliot Spitzer issued an opinion that same-sex marriages may not be performed in New York, but that same-sex marriages from other states should be recognized by New York.</p> <p>[updated 5/5/04]</p>	<p>None.</p>	<p><i>Multiple cases challenging traditional marriage pending in state's highest court.</i></p> <p>Legal activists have challenged the state's marriage laws in multiple courts. In 2004 and 2005, state trial courts issued conflicting opinions on the constitutionality of those laws. The cases have percolated up to the state's highest court, which will hear arguments on May 31, 2006. A decision is possible by the end of 2006. (Cases include <i>Hernandez</i> and <i>Samuels</i>.)</p> <p>[updated 5/17/06]</p>	<p>April 2004 — 55% opposed a law that would permit same-sex couples to marry; 37% favored a law. See AP Albany, NY, article 4/15/04.</p>
North Carolina Statutory DOMA	<p>1996 — Legislature passed state law protecting marriage as man-woman.</p> <p>2004 — A state constitutional amendment was proposed in the state legislature but it died in committee when the legislature adjourned for the year.</p> <p>2005 – A state constitutional amendment has been proposed again in the state Senate.</p> <p>[updated 2/10/05]</p>	<p>None.</p>	<p><i>Case filed, later withdrawn.</i></p> <p>In March 2004, same-sex couple filed a lawsuit arguing that they have a right to marry each other under the state constitution. The state trial court dismissed their case in May 2004 due to jurisdictional questions. The couple announced in June 2004 that they were dropping their suit for now. [updated 6/04]</p>	<p>Feb. 2004 — 64% oppose gay marriage; 26% support. More than 57% would support an amendment to the U.S. Constitution that defines marriage as being between a man and a woman. Poll by Elon. See AP Charlotte, NC, article 2/20/04.</p>

State-Level Marriage Protection Activity

State	Action in Legislature	Ballot Initiative Activity	Court Cases	In-State Polls
North Dakota Const'l Amendment Statutory DOMA	1997 — Legislature passed state law protecting marriage as man-woman. 	PASSED NOVEMBER 2004: 73% to 27% North Dakota Marriage Amendment Text: “Marriage consists only of the legal union between a man and a woman. No other domestic union, however denominated, may be recognized as a marriage or given the same or substantially equivalent effect.” [updated 11/4]	None.	Pre-Election Poll on State Constitutional Amendment: 52% support the amendment, according to Forum poll published by the Associated Press, October 30, 2004.
Ohio Const'l Amendment Statutory DOMA	2004 — Legislature passed state law in February 2004 defining marriage as man-woman and barring state employees from obtaining benefits for their unmarried partners. [updated 5/4]	PASSED NOVEMBER 2004: 62% to 38% Ohio Marriage Amendment Text: “Only a union between one man and one woman may be a marriage valid in or recognized by this state and its political subdivisions. This state and its political subdivisions shall not create or recognize a legal status for relationships of unmarried individuals that intends to approximate the design, qualities, significance or effect of marriage.” [updated 11/4]	July 14, 2005 — Eighth Ohio District Court of Appeals upholds a lower courts ruling that Cleveland Heights’ domestic partner registry is constitutional. The registry does not bestow any special rights on members, but may be used to apply for private sector benefits. [updated 7/25/05]	Pre-Election Poll on State Constitutional Amendment: Oct. 16-17, 2004 — 48% support and 45% oppose an amendment to the Ohio constitution which would define marriage as being between a man and a woman, and that would prohibit legally recognized civil unions for gay and lesbian couples. Poll by ABC News.

State-Level Marriage Protection Activity

State	Action in Legislature	Ballot Initiative Activity	Court Cases	In-State Polls
Oklahoma Const'l Amendment Statutory DOMA	<p>1996 — Legislature passed state law defining marriage as man-woman.</p> <p>2004 — The legislature approved a constitutional amendment defining marriage as the union between a man and a woman. The amendment — which passed the state House 92-4 and the state Senate 38-7 — will be on the statewide ballot in November 2004.</p> <p>[updated 9/25]</p>	<p>PASSED NOVEMBER 2004: 76% to 24%</p> <p>Oklahoma Marriage Amendment Text: “A. Marriage in this state shall consist only of the union of one man and one woman. Neither this Constitution nor any other provision of law shall be construed to require that marital status or the legal incidents thereof be conferred upon unmarried couples or groups.</p> <p>B. A marriage between persons of the same gender performed in another state shall not be recognized as valid and binding in this state as of the date of the marriage.</p> <p>C. Any person knowingly issuing a marriage license in violation of this section shall be guilty of a misdemeanor.”</p> <p>[updated 11/4]</p>	<p><i>Federal lawsuit filed.</i></p> <p>This federal lawsuit challenges the state constitutional amendment adopted by Oklahoma voters. It also asks the federal court to find unconstitutional the federal Defense of Marriage Act. The U.S. government filed a motion to dismiss on January 7, 2005. The Court’s decision is still pending as of February 2006. (<i>Bishop v. Oklahoma</i>, N.D. Okla. 04-CV-848K(J))</p> <p>[updated 2/06]</p>	<p>Pre-Election Poll on State Constitutional Amendment:</p> <p>October 8-10, 2004 — 59% support and 35% oppose State Question 711 which would define marriage as between one man and one woman. It prohibits giving benefits of marriage to unmarried couples, provides that same-sex marriage in other states are not valid in Oklahoma, and makes issuing a marriage license in violation of this section a misdemeanor. Poll by Wilson Research Strategies (WRS).</p>

State-Level Marriage Protection Activity

State	Action in Legislature	Ballot Initiative Activity	Court Cases	In-State Polls
Oregon Const'l Amendment	<p>July 11, 2005 — The State Senate approved a bill allowing for the creation of civil unions.</p> <p>July 25, 2005 — Citing the voter's support of last year's state constitutional amendment, House Speaker Karren Minnis announced that the House will <u>not</u> hold a vote on the civil union bill.</p> <p>[updated 7/25/05]</p>	<p>PASSED NOVEMBER 2004: 57% to 43%</p> <p>Oregon Marriage Amendment Text "It is the policy of Oregon, and its political subdivisions, that only a marriage between one man and one woman shall be valid or legally recognized as a marriage."</p> <p>[updated 11/4]</p>	<p><i>Multiple Cases.</i> Multnomah County, which includes Portland, began issuing marriage licenses to same-sex couples in February 2004. 3,022 same-sex marriage licenses were issued to residents of more than 30 states. In April 2005, the Oregon Supreme Court nullified those licenses.</p> <p>Prior to the enactment of the state constitutional amendment, a state trial court invalidated the state's marriage laws. The amendment mooted that decision.</p> <p>[updated 9/30/05]</p>	<p>Pre-Election Poll on State Constitutional Amendment:</p> <p>Oct. 15-18, 2004 — 50% support and 44% oppose an amendment that recognizes only marriages between a man and a woman as legal and valid by the state. Poll by Gallup.</p>
Pennsylvania Statutory DOMA	<p>1996 — Legislature passed a state law protecting marriage as man-woman.</p> <p>January 2006 — A constitutional amendment has been introduced in the House defining marriage as a union of one man and one woman, preventing recognition of same sex "marriages" performed in other states, and preventing the "automatic granting" of marital rights to unmarried couples. The amendment must pass both chambers in two successive sessions, but could go before voters as early as November 2007.</p>	<p>[see item to left]</p>	<p>No cases challenging state marriage laws.</p> <p>In <i>Devlin v. City of Philadelphia</i> (2004), the state supreme court ruled that Philadelphia's domestic partnership ordinance does <i>not</i> violate the state statutory DOMA.</p> <p>[updated 11/4/04]</p>	<p>March 2004 — 63% oppose a law allowing same-sex couples to marry, 31 % support such a law. See <i>The Philadelphia Inquirer</i> 3/19/04.</p>

State-Level Marriage Protection Activity

State	Action in Legislature	Ballot Initiative Activity	Court Cases	In-State Polls
Rhode Island No DOMA	<p>No state statute defining marriage, but state <u>common law</u> defines marriage as man-woman.</p> <p>[updated 5/18/05]</p>	<p>None.</p>	<p>OTHER: The state attorney general stated on May 17, 2004, that he interpreted Rhode Island law to require recognition of Massachusetts's same-sex marriages.</p> <p>Lawsuit was filed in late 2004 by a Massachusetts same-sex couple demanding Rhode Island spousal retirement benefits. (One of the two had been a schoolteacher in R.I.) The case was dismissed when the R.I. gov't agreed to give full benefits to the out-of-state same-sex couple.</p> <p>[updated 2/14/05]</p>	<p>31% support same-sex marriage; 43% support "civil unions that would give some legal rights"; 24% opposed either form of recognition. See <i>Providence Journal</i> 3/17/04.</p>

State-Level Marriage Protection Activity

State	Action in Legislature	Ballot Initiative Activity	Court Cases	In-State Polls
South Carolina Statutory DOMA Ballot Initiative	<p>1996 — Legislature passed a state law protecting marriage as man-woman.</p>	<p>Constitutional Amendment on Ballot in November 2006</p> <p>Amendment Text: “A marriage between one man and one woman is the only lawful domestic union that shall be valid or recognized in this State. This State and its political subdivisions shall not create a legal status, right or claim respecting any other domestic union, however denominated. This State and its political subdivisions shall not recognize or give effect to a legal status, right or claim created by another jurisdiction respecting any other domestic union, however denominated. Nothing in this section shall impair any right or benefit extended by the State or its political subdivisions other than a right or benefit arising from a domestic union that is not valid or recognized in this State. This section shall not prohibit or limit parties, other than the State or its political subdivisions, from entering into contracts or other legal instruments.”</p>	None.	No apparent polling data.
South Dakota Statutory DOMA Ballot Initiative	<p>1996 — Legislature passed a state law protecting marriage as man-woman.</p> <p>March 2005 — Both the state House and Senate have approved a constitutional amendment defining marriage as between a man and a woman and ensuring that the state does not have to recognize out of state same-sex marriages. The amendment will be put on the 2006 ballot.</p> <p>[updated 3/1/05]</p>	<p>Constitutional Amendment on Ballot in November 2006</p> <p>Amendment Text: “Only marriage between a man and a woman shall be valid or recognized in South Dakota. The uniting of two or more persons in a civil union, domestic partnership, or other quasi-marital relationship shall not be valid or recognized in South Dakota.”</p>	None.	<p>April 2004 — 63% support an amendment that would recognize marriage as between one man and one woman and would bar same-sex marriage; 32% oppose. See AP article, 4/3/04.</p>

State-Level Marriage Protection Activity

State	Action in Legislature	Ballot Initiative Activity	Court Cases	In-State Polls
Tennessee Statutory DOMA Ballot Initiative	<p>1996 — Legislature passed state law protecting marriage as man-woman.</p> <p>2005 — The state legislature sent a constitutional amendment to the ballot in 2006.</p> <p>[updated 3/18/05]</p>	<p>Constitutional Amendment on Ballot in November 2006.</p> <p>Amendment Text: “The historical institution and legal contract solemnizing the relationship of one man and one woman shall be the only legally recognized marital contract in this state. Any policy or law or judicial interpretation, purporting to define marriage as anything other than the historical institution and legal contract between one man and one woman is contrary to the public policy of this state and shall be void and unenforceable in Tennessee. If another state or foreign jurisdiction issues a license for persons to marry and if such marriage is prohibited in this state by the provisions of this section, then the marriage shall be void and unenforceable in this state.”</p>	<p>April 22, 2005 – Tennessee's proposed constitutional amendment to protect marriage is being challenged in court by the ACLU. The lawsuit charges that the state failed to meet notification requirements as outlined in the state constitution. Motions for summary judgment heard Jan. 20, 2006 in the Chancery Court for Davidson County.</p> <p>2006 – A Davidson county judge dismissed the ACLU lawsuit challenging the notification requirements. The ACLU has appealed the decision. The state supreme court will hear the case in June 2006.</p> <p>[updated 3/20/06]</p>	<p>March 2003 — 70% against SSM; 21% in support of SSM; 61% against civil unions; 32% in support of civil unions. <i>The Tennessean</i>, 3/16/04.</p>
Texas Statutory DOMA Const'l Amendment	<p>2003 — Legislature passed a state law protecting marriage as man-woman.</p> <p>[updated 5/23/05]</p>	<p>PASSED NOVEMBER 2005: 76% to 24%</p> <p>Amendment text: “(a) Marriage in this state shall consist only of the union of one man and one woman. (b) This state or a political subdivision of this state may not create or recognize any legal status identical or similar to marriage.”</p>	<p><i>Same-Sex Divorce Case Dismissed.</i> In March 2003, a Texas state court district judge granted a divorce to two Texas men who had entered into a civil union in Vermont in 2002. Later that month the judge vacated his order after the state attorney general stepped in to point out that Texas does not recognize Vermont civil unions.</p>	<p>No apparent polling data.</p>

State-Level Marriage Protection Activity

State	Action in Legislature	Ballot Initiative Activity	Court Cases	In-State Polls
Utah Const'l Amendment Statutory DOMA	1995 — Legislature passed a state law protecting marriage as man-woman. 	PASSED NOVEMBER 2004: 66% to 34% Utah Marriage Amendment Text: “(1) Marriage consists only of the legal union between a man and a woman. (2) No other domestic status or union, however denominated, between persons is valid or recognized or may be authorized, sanctioned, or given the same or substantially equivalent legal effect as a marriage.” [updated 11/4]	None.	Pre-Election Poll on State Constitutional Amendment: Oct. 4, 2004 — 64% support the state constitutional amendment. Poll by KSL-TV.
Vermont Statutory DOMA Civil Unions	1999 — Marriage is defined as a union of one man and one woman. 15 Vt. Stat. ch. 1, sec. 8. 2000 — Legislature enacted state civil unions when state supreme court threatened to impose same-sex marriage on the state. [updated 5/20]	None.	In its 1999 decision, <i>Baker v. State</i> , the Vermont Supreme Court held that the legislature must provide equal benefits and rights to same-sex couples, or the court would do so on its own. Given the belief that the state supreme court would impose same-sex marriage if the legislature did not act, civil unions were created.	No apparent polling data.

State-Level Marriage Protection Activity

State	Action in Legislature	Ballot Initiative Activity	Court Cases	In-State Polls
Virginia Statutory DOMA	<p>1997 — Legislature passed a state law protecting marriage as man-woman.</p> <p>2004 — The legislature passed a new law denying legal recognition to same-sex civil unions (HB 751). Gov. Warner signed the bill.</p> <p>Jan. 2006 – For a second time, the House and Senate have approved a Constitutional amendment (HB 41) that would define marriage as between one man and one woman and prevent the recognition of any relationship other than traditional marriage. The amendment will go to voters on November 7, 2006.</p> <p>[updated 1/06]</p>	<p>Constitutional amendment on Ballot in November of 2006.</p> <p>The question presented will be: “That only a union between one man and one woman may be a marriage valid in or recognized by the Commonwealth and its political subdivisions. This Commonwealth and its political subdivisions shall not create or recognize a legal status for relationships or unmarried individuals that intends to approximate the design, qualities, significance, or effects of marriage. Nor shall this Commonwealth or its political subdivisions create or recognize another union, partnership, or other legal status to which is assigned the rights, benefits, obligations, qualities or effects of marriage.”</p>	<p><i>State court refuses to recognize Vermont civil unions.</i> Pursuant to the 2004 law passed by the legislature, a state court has refused to recognize or give effect to a same-sex Vermont civil union.</p> <p>[updated 8/30/04]</p>	<p>October 2003 – 64% would oppose a Virginia law allowing same-sex marriage; 25% favored a law. See <i>Daily Press</i> (Newport News, VA) 10/25/03.</p>

State-Level Marriage Protection Activity

State	Action in Legislature	Ballot Initiative Activity	Court Cases	In-State Polls
Washington Statutory DOMA Lawsuit Pending	<p>1998 — Legislature passed state law protecting marriage as man-woman.</p> <p>Feb 2005 — Legislation introduced to protect traditional marriage through a state constitutional amendment.</p> <p>[updated 4/8/05]</p>	<p>None.</p> <p>(A state constitutional amendment must originate in the Legislature, with a two-thirds vote in both chambers, followed by a statewide public vote.)</p>	<p><i>Cases pending in state and federal courts.</i></p> <p><i>State court:</i> Two <u>state</u> trial court judges have ruled that Washington must issue licenses to same-sex couples in Washington. The two cases (<i>Anderson</i> and <i>Castle</i>) have been merged and the state supreme court heard oral arguments in the two cases in March 2005. A decision is expected in 2006.</p> <p><i>Federal court:</i> In another case in federal bankruptcy court, a lesbian couple married in Canada filed a joint petition for bankruptcy, in violation of DOMA. DOMA was therefore challenged in federal court. In August 2004, the bankruptcy court upheld DOMA. 315 B.R. 123 (Bankr. W.D. Wash. 2004). The ruling has been appealed to federal district court, but that court has stayed consideration of the case until the state court challenges (see above) are resolved by the Washington Supreme Court. Case #04-CV-05544.</p> <p>[updated 3/20/2006]</p>	<p>March 2004 — more than 50% oppose marriage rights for same-sex couples, compared to 44% who favor them. Poll by <i>The Seattle Times</i>. See AP Spokane, Washington article 4/2/04.</p> <p>January 2006 — 54% of those polled responded that they would be less likely to vote for a Supreme Court Justice if that Justice voted to overturn the State's Defense of Marriage Act. 60% of those polled believed the issue of same sex marriage should be decided by voters, not by the courts. Elway Research for the Faith and Freedom Network. [updated Jan 13, 2006]</p>

State-Level Marriage Protection Activity

State	Action in Legislature	Ballot Initiative Activity	Court Cases	In-State Polls
West Virginia Statutory DOMA	<p>2000 — Legislature passed state law protecting marriage as man-woman.</p> <p>Feb. 2006 — An amendment to the constitution preserving traditional marriage failed along party lines on a procedural vote.</p> <p>[2/21/06]</p>	<p>None.</p>	<p><i>Case dismissed by state supreme court.</i> On April 21, 2004, the state supreme court denied four same-sex couples' request that the state high court recognize a right to same-sex marriage in the West Virginia constitution and in the U.S. Constitution. The ACLU lawyers who brought this lawsuit chose not to petition the U.S. Supreme Court for review. [updated 10/20/04]</p>	<p>No apparent polling data.</p>
Wisconsin Statutory DOMA	<p>1979 — Marriage is defined as a civil contract between a "husband and a wife." Wisc. Stat. sec. 765.01.</p> <p>2003 — Proposed statute to establish a state DOMA was approved by the Legislature but vetoed by Democrat Gov. Jim Doyle in 2003.</p> <p>February 2006 — The state legislature has sent to the November 2006 voters an amendment that would define marriage as between one man and one woman and would prevent the imposition of both same-sex marriage and civil unions by the courts.</p> <p>[updated 12/8/05]</p>	<p>CONSTITUTIONAL AMENDMENT ON NOVEMBER 2006 BALLOT</p> <p>Amendment Text: "Only a marriage between a man and a woman shall be valid or recognized as a marriage in this state. A legal status identical or substantially similar to that of marriage for unmarried individuals shall not be valid or recognized in this state."</p>		<p>April 2004 — 64% support an amendment defining marriage as between a man and a woman. See <i>Capital Times</i> (Madison, WI) 4/12/04.</p> <p>April 2006 — 61% support a state const'l amendment defining marriage as man-woman. <i>Wisconsin State Journal</i> 4/14/06.</p>

State-Level Marriage Protection Activity

State	Action in Legislature	Ballot Initiative Activity	Court Cases	In-State Polls
Wyoming Statutory DOMA	<p>Wyoming state law only permits marriage between man and a woman. This statute predates the current debates over the definition of marriage.</p> <p>2004 — Legislation to enact a state law modeled after DOMA was introduced but failed in the state legislature.</p> <p>[updated 2/11/05]</p>		None.	No apparent polling data.